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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/608,129 | 06/30/2000 | Evan F. Wies | IMM1P104 | 2148 |

34300 7590 03/15/2005

PATENT DEPARTMENT (51851)
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| EXAMINER |
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VU, THONG H

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| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,129

Applicant(s)

WIES ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 46-72 are pending.

Response to Arguments

2. Applicant's arguments filed 2/10/2005 have been fully considered but they are not persuasive to overcome the prior art.

Mitchell-Pollack references:

a. As per claim 1, Applicant argues the prior art (Mitchell reference) does not teach or suggest "force information being configured to cause a haptic sensation to be output when the chat message is delivery to a client machine"

Examiner point outs the prior art taught a chat room environment includes the chat messages [Mitchell, a chat room, col 5 lines 52; a chat session, col 12 lines 50-67], a force information [Mitchell, force feed back, col 5 lines 17,39; col 8 line 51-col 9 line 12], haptic sensation [Mitchell haptic feedback data and sensations, col 8 lines 51-col 9 line 12]. It was obvious the prior art taught all limitations in claim language.

b. Applicant argues the prior art (Mitchell reference) does not teach or suggest "email" and "embedded object".

Examiner points out the email and embedded object are not presented in claim language, claims 46-72.

c. Applicant argues the prior art (Pollack reference) does not teach or suggest "sensation to be output".

Examiner points out the prior art taught the delivery mechanism (i.e.: a chat message) may be configured to update or removed a message display using the message information [Pollack col 3 lines 15-24; col 6 lines 24-45].

Thus, the rejections is sustained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 46-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell et al [6,349,301 B1] in view of Pollack et al [Pollack 6,546,390 B1].

4. As per claim 46, Mitchell discloses a including force information (i.e.: haptic feedback or force feedback) in a chat message [Mitchell, network chat room, col 5 line 50-col 6 line 7; haptic feedback or force feedback]

However Mitchell does not explicitly detail the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine, and transmitting the chat message to a network.

A skilled artisan would like to improve the chat communications or a message contained a command/instructions would have looked into the messaging communication prior art and found Pollack teaching..

Pollack disclosed a electronic message could delivery mechanism which may be configured to update a message display using the message information [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the technique of sending chat message or email message configured to update the display when the message delivered to client as taught by Pollack into the Mitchell's apparatus in order to utilize the haptic feedback data and chat room environment. Doing so would provide the dynamically perform interaction on the chat room.

5. As per claims 56,62,68 contain the similar limitations set forth in claim 46.

Therefore claims 56,62,68 are rejected for the same rationale set forth in claim 46.

6. As per claims 47,63 Mitchell-Pollack disclose code to receive the chat message via a chat interface as inherent feature of chat message.

7. As per claims 48,64 Mitchell-Pollack disclose receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the force information with the selected haptic effect [Mitchell haptic feedback data and sensations, col 8 lines 51-col 9 line 12].

8. As per claim 49, Mitchell-Pollack disclose the plurality of haptic effects is graphically represented by a plurality of button or electronic signal/message as inherent features of haptic feedback sensations or effects.

9. As per claims 50,65 Mitchell-Pollack disclose associating the force information with a command input to the chat interface as inherent feature of chat message [Mitchell, a command is detected, col 9 lines 55].

10. As per claims 51,66 Mitchell-Pollack disclose the force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message [Mitchell, the haptic feedback data and sensations, col 8 lines 51-col 9 line 12; a command is detected, col 9 lines 55].

11. As per claim 52, Mitchell-Pollack disclose the force information includes a network address (i.e.: location), the network address being associated with a network location storing a library of haptic sensations as inherent feature of chat session.

12. As per claim 53, Mitchell-Pollack disclose the force information includes data characterizing the haptic sensation to be output [Mitchell, a chat room, col 5 lines 52; a chat session, col 12 lines 50-67; force feed back, col 5 lines 17,39; col 8 line 51-col 9 line 12; the haptic feedback data and sensations, col 8 lines 51-col 9 line 12].

13. As per claims 54,60,67,72 Mitchell-Pollack disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be

output when the chat message is delivered to a client machine as inherent feature of chat session.

14. As per claims 55,61 Mitchell-Pollack disclose the network includes one of a local area network (LAN), a wide area network (WAN), a wireless network, a computer network, a telephone network, and the Internet [Mitchell, Internet 238, Fig 2].

15. As per claims 57,69 Mitchell-Pollack disclose said directing the first signal to a haptic device, the first signal configured to cause the haptic device to output a haptic sensation associated with the chat message [Mitchell, the haptic feedback data and sensations, col 8 lines 51-col 9 line 12].

16. As per claims 58,70 Mitchell-Pollack disclose displaying the chat message [Mitchell, chat session, col 12 lines 50-67].

17. As per claims 59,71 Mitchell-Pollack disclose extracting sound information from the chat message and generating a second signal associated with the sound information as inherent feature of chat session with force feedback.

18. As per claim 65, Mitchell-Pollack disclose code to associate the force information with a command input to the chat interface [Mitchell, a command is detected, col 9 lines 55].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath it.